

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Rose Gordon
Debtor(s)

Bankruptcy Case No.: 19-70636-JAD
Issued Per 3/12/2020 Proceeding
Chapter: 13
Docket No.: 44 - 34
Concil. Conf.: March 12, 2020 at 03:00 PM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated January 21, 2020 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Mar. 12, 2020 at 03:00 PM, in 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☒ H. Additional Terms: Claim No. 5 of Capital One Auto governs as to amount at modified plan terms and Claim No. 2 of Northwest Savings Bank governs as to amount at modified plan terms.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.

Dated: March 14, 2020

Jeffery A. Deller
United States Bankruptcy Judge

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Rose Gordon
 Debtor

Case No. 19-70636-JAD
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-7

User: msch
 Form ID: 149

Page 1 of 2
 Total Noticed: 39

Date Rcvd: Mar 16, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 18, 2020.

db
 15137541 +Rose Gordon, PO Box 195, Hyndman, PA 15545-0195
 15151767 +Ashford University, 8620 Spectrum Center Blvd, San Diego, CA 92123-1427
 15166068 +Capital One, c/o Becket & Lee, 16 General Warren Blvd., Malvern, PA 19355-1245
 15137546 Capital One, N.A., c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
 +Denver E. Wharton, Esquire, Kaminsky, Thomas, Wharton & Lovette, 360 Stonecreek Street,
 Johnstown, PA 15901-1925
 15168770 ECMC, PO BOX 16408, ST. PAUL, MN 55116-0408
 15151773 +FASTEST PAYDAY LOAN ONLINE.COM, WILLIAMSON AND BROWN, LLC, 4691 CLIFTON PKWY,
 Hamburg, NY 14075-3201
 15137547 +First Premier Bank, 601 S Minnesota Ave, Sioux Falls, SD 57104-4868
 15151778 +KML Law Group, PC, James C. Warmbrodt, Esq, 701 Market Street, Suite 5000,
 Philadelphia, PA 19106-1541
 15137554 ++NORTHWEST SAVINGS BANK, P O BOX 337, WARREN PA 16365-0337
 (address filed with court: Northwest Savings Bank, 100 Liberty St, Warren, PA 16365)
 15153217 +U.S. Department of HUD, 100 Penn Square East, 11th Floor, Philadelphia, PA 19107-3325
 15137556 +Us Dept Of Ed/glelsi, Po Box 7860, Madison, WI 53707-7860
 15137558 ++WELLS FARGO BANK NA, WELLS FARGO HOME MORTGAGE AMERICAS SERVICING,
 ATTN BANKRUPTCY DEPT MAC X7801-014, 3476 STATEVIEW BLVD, FORT MILL SC 29715-7203
 (address filed with court: Wells Fargo Home Mortgage, 8480 Stagecoach Cir,
 Frederick, MD 21701)

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

cr
 +E-mail/PDF: acg.acg.ebn@americaninfosource.com Mar 17 2020 04:01:37
 Capital One Auto Finance, a division of Capital On, 4515 N Santa Fe Ave. Dept. APS,
 Oklahoma City, OK 73118-7901
 cr
 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Mar 17 2020 04:00:58
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 15151765 E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Mar 17 2020 04:12:29 American Info Source Lp,
 Post Office Box 248848, Oklahoma City, OK 73124-8848
 15156297 +E-mail/Text: bnc@atlasacq.com Mar 17 2020 03:56:20 Atlas Acquisitions LLC, 294 Union St.,
 Hackensack, NJ 07601-4303
 15137545 +E-mail/Text: bankruptcy@consumerportfolio.com Mar 17 2020 03:57:13 CPS, PO Box 57071,
 Irvine, CA 92619-7071
 15137542 +E-mail/PDF: AIS.COAF.EBN@Americaninfosource.com Mar 17 2020 04:00:31 Capital One Auto Finan,
 3901 Dallas Pkwy, Plano, TX 75093-7864
 15162603 +E-mail/PDF: acg.acg.ebn@americaninfosource.com Mar 17 2020 04:00:57
 Capital One Auto Finance, a division of Capital On, P.O. Box 4360, Houston, TX 77210-4360
 15137543 +E-mail/Text: bankruptcy@consumerportfolio.com Mar 17 2020 03:57:13
 Consumer Portfolio Services, PO BOX 57071, Irvine, CA 92619-7071
 15137544 +E-mail/Text: bankruptcy@consumerportfolio.com Mar 17 2020 03:57:13 Consumer Portfolio Svc,
 Po Box 57071, Irvine, CA 92619-7071
 15137548 E-mail/Text: bankruptcynotification@ftr.com Mar 17 2020 03:57:42 Frontier Communication,
 19 John St, Middletown, NY 10940
 15137549 E-mail/Text: OfficersLoanCommittee@hometownbankpa.com Mar 17 2020 03:56:19
 Hometown Bank Of Pennsylvania, 638 E Pitt St, Bedford, PA 15522
 15151777 E-mail/Text: JCAP_BNC_Notices@jcap.com Mar 17 2020 03:57:14 Jefferson Capital,
 PO BOX 7999, Saint Cloud, MN 56302
 15171017 E-mail/Text: JCAP_BNC_Notices@jcap.com Mar 17 2020 03:57:14 Jefferson Capital Systems LLC,
 Po Box 7999, Saint Cloud Mn 56302-9617
 15137551 +E-mail/Text: bncnotices@becket-lee.com Mar 17 2020 03:56:21 Kohls/capone,
 N56 W 17000 Ridgewood Dr, Menomonee Falls, WI 53051-7096
 15171265 E-mail/PDF: resurgentbknofications@resurgent.com Mar 17 2020 04:00:32 LVNV Funding, LLC,
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 15137552 E-mail/Text: camanagement@mtb.com Mar 17 2020 03:56:31 M & T Bank, PO Box 1288,
 Buffalo, NY 14240
 15159598 E-mail/Text: camanagement@mtb.com Mar 17 2020 03:56:31 M&T Bank, PO Box 840,
 Buffalo, NY 14240
 15137553 +E-mail/PDF: pa_dc_claims@navient.com Mar 17 2020 04:00:30 Navient, Po Box 9500,
 Wilkes Barre, PA 18773-9500
 15137555 +E-mail/Text: bankruptcy@firstenergycorp.com Mar 17 2020 03:56:59 Penn Power, PO Box 3687,
 Akron, OH 44309-3687
 15168867 +E-mail/Text: JCAP_BNC_Notices@jcap.com Mar 17 2020 03:57:15 Premier Bankcard, Llc,
 Jefferson Capital Systems LLC Assignee, Po Box 7999, Saint Cloud Mn 56302-7999
 15166702 E-mail/Text: bnc-quantum@quantum3group.com Mar 17 2020 03:56:36
 Quantum3 Group LLC as agent for, Crown Asset Management LLC, PO Box 788,
 Kirkland, WA 98083-0788
 15166701 E-mail/Text: bnc-quantum@quantum3group.com Mar 17 2020 03:56:36
 Quantum3 Group LLC as agent for, GPCC I LLC, PO Box 788, Kirkland, WA 98083-0788
 15138369 +E-mail/PDF: gecsed@recoverycorp.com Mar 17 2020 04:01:28 Synchrony Bank,
 c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 15137557 +E-mail/Text: bnc-bluestem@quantum3group.com Mar 17 2020 03:57:29 Webbank/fingerhut,
 6250 Ridgewood Rd, Saint Cloud, MN 56303-0820
 15151786 E-mail/Text: bankruptcy@firstenergycorp.com Mar 17 2020 03:57:00 West Penn Power,
 P.O. Box 3687, Akron, OH 44309-3687

District/off: 0315-7

User: msch
Form ID: 149

Page 2 of 2
Total Noticed: 39

Date Rcvd: Mar 16, 2020

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

15141126 +E-mail/Text: bankruptcy@firstenergycorp.com Mar 17 2020 03:57:00 West Penn Power,
5001 NASA Blvd, Fairmont WV 26554-8248

TOTAL: 26

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr M&T Bank
cr* +Atlas Acquisitions LLC, 294 Union St., Hackensack, NJ 07601-4303
15151766* +Ashford University, 8620 Spectrum Center Blvd, San Diego, CA 92123-1427
15151771* +CPS, PO Box 57071, Irvine, CA 92619-7071
15151768* +Capital One Auto Finan, 3901 Dallas Pkwy, Plano, TX 75093-7864
15151769* +Consumer Portfolio Services, PO BOX 57071, Irvine, CA 92619-7071
15151770* +Consumer Portfolio Svc, PO Box 57071, Irvine, CA 92619-7071
15151772* +Denver E. Wharton, Esquire, Kaminsky, Thomas, Wharton & Lovette, 360 Stonecreek Street,
Johnstown, PA 15901-1925
15151775* ++FRONTIER COMMUNICATIONS, BANKRUPTCY DEPT, 19 JOHN STREET, MIDDLETOWN NY 10940-4918
(address filed with court: Frontier Communication, 19 John St, Middletown, NY 10940)
15151774* +First Premier Bank, 601 S Minnesota Ave, Sioux Falls, SD 57104-4868
15151776* ++HOMETOWN BANK OF PENNSYLVANIA, 638 E PITT STREET, BEDFORD PA 15522-9724
(address filed with court: Hometown Bank Of Pennsylvania, 638 E Pitt St, Bedford, PA 15522)
15151779* +Kohls/capone, N56 W 17000 Ridgewood Dr, Menomonee Falls, WI 53051-7096
15151780* ++M&T BANK, LEGAL DOCUMENT PROCESSING, 626 COMMERCE DRIVE, AMHERST NY 14228-2307
(address filed with court: M & T Bank, PO Box 1288, Buffalo, NY 14240)
15151782* ++NORTHWEST SAVINGS BANK, P O BOX 337, WARREN PA 16365-0337
(address filed with court: Northwest Savings Bank, 100 Liberty St, Warren, PA 16365)
15151781* +Navient, PO Box 9500, Wilkes Barre, PA 18773-9500
15151783* +Us Dept Of Ed/glelsi, PO Box 7860, Madison, WI 53707-7860
15151785* ++WELLS FARGO BANK NA, WELLS FARGO HOME MORTGAGE AMERICAS SERVICING,
ATTN BANKRUPTCY DEPT MAC X7801-014, 3476 STATEVIEW BLVD, FORT MILL SC 29715-7203
(address filed with court: Wells Fargo Home Mortgage, 8480 Stagecoach Cir,
Frederick, MD 21701)
15151784* +Webbank/fingerhut, 6250 Ridgewood Rd, Saint Cloud, MN 56303-0820
15137550 ##+Kimberly A. Bonner, Esq., Zucker, Goldberg, & Ackerman, LLC,
200 Sheffield Street, Suite 101, Mountainside, NJ 07092-2315

TOTALS: 1, * 17, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Mar 18, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 14, 2020 at the address(es) listed below:

James Warmbrodt on behalf of Creditor M&T Bank bkgroup@kmlawgroup.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Paul W. McElrath, Jr. on behalf of Debtor Rose Gordon ecf@mcelrathlaw.com,
donotemail.ecfbackuponly@gmail.com
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 4